

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHERMAN RAINES,)
)
Plaintiff,)
)
v.) Case No. 4:05CV221 RWS
)
JOHN E. POTTER,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Sherman Raines is before the Court both *pro se* and *in forma pauperis*. In a previous Order dated July, 14, 2005, I noted that Raines's Complaint failed to state a cognizable claim for relief, and I ordered Raines to file an amended complaint. I also noted that because Raines is before the Court *in forma pauperis*, I have a duty under 28 U.S.C. 1915(e) not to allow his suit to proceed if I determine that it is frivolous or malicious. Finally, I ordered Raines to follow Fed. R. Civ. P. 8(a) in his pleadings and to provide the Court with "a short and plain statement of the claim showing that [Raines] is entitled to relief . . ."

On August 12, 2005, Raines filed a First Amended Complaint, which is comprised of thirty-one pages of rambling and sometimes incoherent allegations against Defendant and various United States Postal Service employees. Raines also attached eighty pages of exhibits to the Amended Complaint. On August 15, 2005, Raines filed a "Supplement to the Amended Complaint," in which he vaguely complains about the Deputy Clerk of this Court and the United States Attorneys' Office.

Raines has failed to comply with my Order. First, the rambling and lengthy nature of his Amended Complaint violates Rule 8(a)'s "short and plain statement" requirement. Second, the

attached eighty pages of exhibits to his First Amended Complaint greatly add to the incoherent nature of the First Amended Complaint as a whole. Finally, and most troubling, Raines's "Supplement to the Amended Complaint," in which he attempts to add vague and incoherent complaints about the Deputy Clerk of Court and the United States Attorneys' Office, is frivolous and malicious under 28 U.S.C. 1915(e).

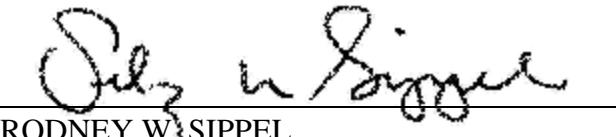
Because Raines has failed to comply with my Order and follow Rule 8(a), I will order Raines to file a second amended complaint. In drafting the second amended complaint, Raines shall **only** include in his complaint the information required by Rule 8(a), *i.e.*, a short and plain statement of this Court's jurisdiction, "a short and plain statement of the claim showing that [Raines] is entitled to relief, and [] a demand for judgment for the relief [that Raines] seeks." Failure to comply will result in the dismissal of this case with prejudice.

Additionally, any further attempts to add as parties employees of the Court or the United States Attorneys' Office will result in the dismissal of this case with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Raines file a second amended complaint that complies with Federal Rule of Civil Procedure 8(a) and all other terms of this Memorandum and Order no later than ten (10) days of the date of this Order.

Dated this 22nd Day of August, 2005.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE